



## Vocational Rehabilitation Packet

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Updated Oct. 2012

# Getting a Head Start with Vocational Rehabilitation



# Getting a Head Start with Vocational Rehabilitation

## What is Vocational Rehabilitation (VR)?

Vocational Rehabilitation is an employment program provided by the Tennessee Department of Human Services, Division of Rehabilitation Services. Since most people use the term VR, we will use that throughout this document. VR helps people with disabilities get paying meaningful jobs. The application process includes:

- Intake to learn about you and your job interests;
- Completing an application;
- Finding out if you are eligible for VR employment services; and
- Finding out your “Priority Category” for employment services.

For everyone who is eligible for VR, the “Order of Selection” is important. The Order of Selection is required by law when there is not enough money to provide for everyone who is eligible. VR must give first priority to eligible individuals with the most significant disabilities. This group of individuals will be assigned to Priority Category 1 (PC 1). Those individuals meeting the criteria for PC 2, 3, or 4 may choose to remain on a waiting list in the event there are future changes in funding that would allow VR to serve them. Individuals who are determined to be PC 2, 3, or 4 will be given information about other resources where they live that help them get a job. The term “open priority category” refers to the Priority Categories that are open for VR to provide employment services to clients.

An applicant who receives SSI (Supplemental Security Insurance) or SSDI (Social Security Disability Income) because s/he has a disability, or is blind, automatically meets the criteria of Priority Category 2, if s/he wants to get a job.

It is helpful to give your VR Counselor enough paperwork from your medical doctor, school records, or other sources to help explain your disability. If you are unable to get this paperwork, your VR Counselor can lend a hand. To qualify as Priority Category 1, this paperwork must show that your disability causes limitations in two or more of the following “functional capacities” as defined by VR policy:

- Mobility
- Communication
- Work Skills
- Work Tolerance
- Self-Care
- Self-Direction
- Interpersonal Skills

## What Does VR Do?

Once you are eligible and assigned to an open Priority Category, your needs, preferences, interests, and available resources will be considered when developing the Individualized Plan for Employment (IPE). Not everyone will need the same service to get a job. Your VR counselor will help you decide which of the following will help you get a job. Your VR counselor will help determine if you need to share in the cost of some services.

- Diagnosis
- Career guidance and counseling
- Training
- Treatment
- Supported employment
- Job placement
- Self-employment supports
- Vocational Evaluation
- Personal care assistance program
- Post-employment supports
- Transition from school to work
- Independent living services
- Maintenance and transportation
- Assistive technology
- Interpreter services

If you need help understanding this information or if you have questions please call your VR Counselor or visit the VR website at [http://state.tn.us/humanserv/rehab/rehab\\_main.html](http://state.tn.us/humanserv/rehab/rehab_main.html) or call the main office at (615)313-4891; (615)313-5695 (TTY); 1-800-270-1349 (TTY long distance).

If you need assistance with appealing a decision made by VR or if you disagree with your VR Counselor and cannot resolve it by talking to your counselor's supervisor, call the Client Assistance Program (CAP) at Disability Law & Advocacy Center of Tennessee at 1-800-342-1660; 1-888-852-2852 (TTY).

## Finding the Right Type of Work for You

Your VR Counselor will guide you through activities to identify your abilities, job skills, and job interests in order to develop an Individualized Plan for Employment (IPE). This plan will identify the kind of job you want and what services you will need to get that job.

There are some things you can do to get ready for your first meeting with your VR Counselor. If you do not know what kind of work you want to do, here are some ways to look for ideas. Remember, you are not looking for just any job. You are looking for a job that interests you and that you can do with your abilities.



## Identify Your Job Interests

1. What do you like to do? What are your interests and hobbies? A tool to help answer these questions is available at [http://education.ou.edu/zarrow/files/AIR\\_S-D\\_Student.pdf](http://education.ou.edu/zarrow/files/AIR_S-D_Student.pdf).  

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2. What kind of work and/or volunteer experiences have you enjoyed?  

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3. Look through the help wanted ads in the newspaper. Which jobs look appealing?  

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4. Visit your local Career Center to gather information about jobs. List jobs you like.  

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5. Look through the Occupational Outlook Handbook. This guide will help you look at skill level and educational requirements for each job. It is available at, <http://www.state.tn.us/labor-wfd/lmi.htm>. What have you learned from the Handbook?  

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6. Talk to friends and relatives about the jobs they do. What jobs did you learn about that interest you? Where did they get their job training?  

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7. Look at jobs on JobNet at <http://www.tn.gov/labor-wfd/mainfindajob.html>. What jobs look interesting here?  

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## Job Planning

Knowing the kind of work you want to do will help when you start working with your VR Counselor. Complete this worksheet before meeting with your counselor. Ask for help if you need it.

1. What are your strengths and abilities?

2. What education have you had?

3. What type of training have you had?

4. What work experience have you had?

5. What volunteer experience have you had?

6. What kinds of jobs are you interested in? Why?

7. Do you need special training to do the job you want? If you do, what type of training?

8. What kinds of jobs do NOT interest you? Why?

9. What type of help do you need to go to work? (Such as transportation, special equipment, interpreters, childcare, flexible work hours.) Do you need health insurance?

## I Know the Job I Want....Now What?

Once you know what type of work you want to do and the skills required, you may discover that you do not need special training. Your VR counselor can help you explore options that will prepare you for work. Some job preparation options may include the Tennessee Rehabilitation Center (TRC) in Smyrna, Tennessee or a TRC in your community. Some job preparation training may be provided through another agency, called a Community Rehabilitation Provider (CRP), or VR staff. Your VR counselor will help you make a decision based on your interests, what you do well, and the kind of work you want to do.

If special training is needed for the job you want, your VR Counselor can help with some ideas. It is up to you to learn about and visit technical schools, community colleges, universities, and other training facilities to see which one will be the best fit.

1. Talk with your school Guidance Counselor. S/he can help find schools where you can get the training you want and need. S/he can also help you learn which schools may be most “disability friendly.”  

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2. Talk with your VR Counselor. S/he has lots of information about schools.  

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3. Remember the people you talked with about their jobs earlier? If one had a job you found interesting, what kind of training did s/he get and where did s/he get their training?  

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4. Ask your friends what school they are going to attend and what subject they will be studying. If they are taking the same or similar training as you, make a note of it. Having informal support where you will get training can be helpful. If you will be living on campus, you can “room” with a friend.  

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5. One possible place to get job training is at the Tennessee Rehabilitation Center (TRC) in Smyrna, TN. This is a comprehensive rehabilitation center with various personal and vocational training programs and job placement services. Talk with your VR Counselor if you want to schedule a visit to tour the Smyrna TRC or visit <http://www.tn.gov/humanserv/rehab/trc.html>.  

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6. There are also community TRC’s located around the state where you can get vocational evaluations, employee development, personal and vocational training and job placement services. Ask your VR Counselor for more information about these.  

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## Responsibilities When You Receive VR Employment Services

1. You must help develop your Individualized Plan for Employment (IPE) and work towards getting a job. You will need to work closely with your VR Counselor in choosing an employment goal, types of services, service providers, and looking for a job (job placement). You can help by keeping appointments and working hard to reach your work goal.
2. Your IPE is a partnership. It is important to contact your VR Counselor every month to let him/her know how things are going. Call your VR Counselor if you need to reschedule a meeting. Leave a phone message or send an email if necessary. Be sure to have his/her phone number in a safe place. Answer letters and phone messages from your VR Counselor immediately.
3. VR provides many services regardless of your financial situation. You and your counselor will discuss your family's income and resources. Sometimes VR may ask you to contribute to the cost of your program, unless you receive SSI or SSDI.
4. If you are eligible for other benefits, federal law requires that you use those benefits to help cover the cost of some services. These benefits may include training grants, Medicare, Medicaid, Workers Compensation, and private insurance. If you refuse to apply for or use other benefits for which you are eligible, VR cannot pay for the planned services.

## Rights When You Receive VR Employment Services

1. VR cannot release your personal information to anyone else unless:
  - It is necessary to carry out your VR program;
  - VR has your written consent; or
  - Law requires it.VR may share personal information with the Social Security Administration.
2. You can get information from your VR file. Request the information in writing. If a physician or psychologist provided the information to VR, you may need to get it from them.
3. You may receive some VR services after you get a job and VR has closed your case. These services must be short term and required to help you keep your job.
4. You may reapply for services after VR has closed your case. Your eligibility will be determined at the time you reapply.
5. If you disagree with a decision, you have the right to appeal. Tell your VR Counselor or put it in writing to your VR Counselor or his/her supervisor. You must appeal within 30 days of the decision. CAP can assist you with your appeal.

## Vocational Rehabilitation Rights

1. **You have the right to know if you are eligible within 60 days of when you apply.** 34 CFR §361.42\*
2. **You have the right to develop your own Individualized Plan for Employment (IPE).**  
34 CFR §361.45 - §361.46\*
3. **You have the right to receive the full scope of services needed to help you reach your job goal.**  
34 CFR §361.48\*
4. **You have the right to decide what your job goal will be.**
5. **You have the right to pick services and service providers (schools, etc.) in your IPE.**  
34 CFR §361.50, 34 CFR §361.52, 34 CFR §361.53, 34 CFR §361.54 \*
6. **You have the right to change your IPE, including your job goal or services provided.**  
34 CFR §361.45\*
7. **You have the right to review your IPE at least once a year with your VR Counselor.**  
34 CFR §361.45, 34 CFR §361.56\*
8. **You have the right to review the VR Policy Manual.** CFR §361.50\*
9. **You have the right to appeal any decision made by VR that you do not agree with.**
10. **You have the right to have the Client Assistance Program (CAP) help you.**  
34 CFR §361.57\*

\* All references are to the Code of Federal Regulations, Title 34, Part 361, State Vocational Rehabilitation Services Program. A copy of the regulations is available at <http://www.gpoaccess.gov/cfr/index.html>.

Modified from Disability Law & Advocacy Center of Tennessee's "VR Bill of Rights."

If you need help understanding any of the information here, or if you have questions please call your VR Counselor or visit the **Vocational Rehabilitation** website at [http://state.tn.us/humanserv/rehab/rehab\\_main.html](http://state.tn.us/humanserv/rehab/rehab_main.html) or call them at 615/313-4891; 615/ 313-5695 (TTY); 800/270-1349 (TTY Long Distance).

If you need assistance with appealing a decision made by VR or if you disagree with your VR Counselor and cannot resolve it, call the **Client Assistance Program (CAP)** at Disability Law & Advocacy Center at 800/342-1660; 615/298-1080 (TDD); 888/852-2852 (TTY).

## Tips from a Parent

1. If your high school does not make a referral to VR, call them yourself.
2. When planning, be sure to think about what type of work you want to do. VR helps find paid jobs. The training you get will depend on the type of work you want to do.
3. If VR puts your name on a waiting list for employment services, ask your VR Counselor about your options.
4. Once you have signed your IPE, you will need to stay in touch with your VR Counselor at least once a month. If you call him/her, and s/he is not in the office, leave a message.
5. Your VR Counselor must approve all changes to services listed on the IPE in advance.
6. If you receive "Ticket to Work" from Social Security, visit <http://www.socialsecurity.gov/work/aboutticket.html>.
7. Tell your VR Counselor which is the best way to contact you; by phone, mail, and email.
8. Let your VR Counselor know if you need information in another format, such as on a CD or Braille, or translated to another language.
9. It is important to call your VR Counselor right away if you have a problem of any kind that affects your job training. S/he will help or offer some advice.
10. Keep your parent(s) and those who support you in the loop. They will be there for you if they know you need them.
11. Do not skip classes. Every class is essential to help you meet your career goal.
12. If you have a rough semester in college or technical school, do not give up. Your VR Counselor is there to help and support you when the going gets rough. S/he will have ideas that will help you.
13. Do not drop a class until you speak with your VR Counselor.
14. Connect with the Disability Services office where you attend school. They can help you talk with your instructors, help you find support services such as tutors, note takers, and more.
15. If you are living on campus, follow campus rules.
16. VR may close your case if:
  - You have completed your IPE and have successfully maintained employment for 90 days;
  - You do not cooperate with or maintain contact with your VR Counselor; or
  - You ask for it to be closed.
17. Do not expect others to look out for your rights. Ask questions until you get the answers to them. Take someone (like a parent) with you to your VR meetings. If someone tells you no, ask for the policy the refusal is based on. You have rights.

DRS Regional Offices with Counties Served	
<p><b><u>Region 1</u></b>  Susan Arwood, Regional Supervisor  905 Buffalo Street  Johnson City, Tennessee 37604-6719  Post Office Box 2120 (mailing address)  Johnson City, Tennessee 37605-2120  <b>Telephone:</b> 423/434-6934  <b>Fax:</b> 423/434-6963  <b>Counties &amp; TRCs Served:</b> Carter, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Sullivan, Unicoi, Washington</p>	<p><b><u>Region 2</u></b>  Ruth Brock, Regional Supervisor  State Office Building  531 Henley Street, Suite 520  Knoxville, Tennessee 37902  <b>Telephone/TTY:</b> 865/594-6060  <b>Fax:</b> 865/523-7852 or 865/594-6535  <b>Counties &amp; TRCs Served:</b> Anderson, Blount, Campbell, Claiborne, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, Union</p>
<p><b><u>Region 3</u></b>  Andy Bible, Regional Supervisor  311 East Martin Luther King Boulevard  Chattanooga, Tennessee 37403-4108  <b>Telephone:</b> 423/634-6700  <b>Fax:</b> 423/634-6712  <b>Counties &amp; TRCs Served:</b> Bledsoe, Bradley, Coffee, Franklin, Grundy, Hamilton, Marion, McMinn, Meigs, Moore, Polk, Rhea, Sequatchie</p>	<p><b><u>Region 4</u></b>  Sandy Shepherd, Regional Supervisor  955 E. 20<sup>th</sup> Street  Cookeville, Tennessee 38501  <b>Telephone/TTY:</b> 931/526-9783  <b>Fax:</b> 931/525-1614  <b>Counties &amp; TRCs Served:</b> Cannon, Clay, Cumberland, DeKalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Sumner, Trousdale, Van Buren, Warren, White</p>
<p><b><u>Region 5</u></b>  Deidra Sawyer, Regional Supervisor  88 Hermitage Avenue  Nashville, Tennessee 37210  <b>Telephone:</b> 615/741-1606  <b>Fax:</b> 615/741-8180  <b>Counties Served:</b> Davidson</p>	<p><b><u>Region 6</u></b>  Patty Fort, Regional Supervisor  6000 Trotwood Avenue  Columbia, Tennessee 38401  <b>Telephone:</b> 931/380-2563  <b>Fax:</b> 931/380-2567  <b>Counties &amp; TRCs Served:</b> Bedford, Cheatham, Dickson, Giles, Hickman, Lawrence, Lewis, Lincoln, Marshall, Maury, Perry, Rutherford, Wayne, Williamson, Wilson</p>
<p><b><u>Region 7</u></b>  Sue Lesikar Acting Regional Supervisor  Linda Randolph, Acting Regional Supervisor  Lowell Thomas State Office Bldg, Room 140, Box 15  225 Martin Luther King Boulevard  Jackson, Tennessee 38301  <b>Telephone:</b> 731/423-5620  <b>Fax:</b> 731/426-0563  <b>Counties &amp; TRCs Served:</b> Chester, Crockett, Decatur, Fayette, Hardeman, Hardin, Haywood, Henderson, Lauderdale, Madison, McNairy, Tipton</p>	<p><b><u>Region 8</u></b>  Ken Arnold, Regional Supervisor  560 Benton Industrial Road  Camden, Tennessee 38320  <b>Telephone:</b> 731/584-2147  <b>Fax:</b> 731/584 -6795  <b>Counties &amp; TRCs Served:</b> Benton, Carroll, Dyer, Gibson, Henry, Houston, Humphreys, Lake, Montgomery, Obion, Robertson, Stewart, Weakley</p>
<p><b><u>Region 9</u></b>  Annyce Luckett, Regional Supervisor  170 North Main Street, 3<sup>rd</sup> Floor  Memphis, Tennessee 38103-1820  <b>Telephone/TDD:</b> 901/528-5284  <b>Fax:</b> 901/543-6036  <b>Counties &amp; Served:</b> Shelby</p>	<p><b><u>Region 10 &amp; Region 11</u></b>  Patti Bell, Supervisor  Services for the Blind and Visually Impaired (10)  Services for the Deaf and Hard of Hearing (11)  Tennessee Rehabilitation Center  460 Ninth Street  Smyrna, Tennessee 37167  <b>Telephone:</b> 615/459-6811, ext 289  <b>Fax:</b> 615/355-1373  All Counties Served</p>

This document was created by:

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**Tennessee Department of Human Services Division of Rehabilitation Services (VR)**  
615/313-4891; 615/ 313-5695 (TTY); 800/270-1349 (TTY Long Distance)  
400 Deaderick Street, Second Floor, Nashville, TN 37243  
[http://www.tn.gov/humanserv/rehab/rehab\\_main.html](http://www.tn.gov/humanserv/rehab/rehab_main.html)

**Client Assistance Program (CAP) a Program of Disability Law and Advocacy Center**  
800/342-1660; 615/298-1080 (TDD); 888/852-2852 (TTY)  
<http://www.dlactn.org/cap.html>



*For people with intellectual  
and developmental disabilities*



**DISABILITY LAW &  
ADVOCACY CENTER**  
*of Tennessee*

TENNESSEE DEPARTMENT OF  
HUMAN SERVICES



*Helping shape Tennessee lives.*



This project is funded by the State of Tennessee.

The Arc of Tennessee values diversity and does not discriminate based on race, ethnicity, religion, age, geographic location, sexual orientation, gender, or level of disability.

## ELIGIBILITY AND ORDER OF SELECTION FACT SHEET

**Q. *What is Vocational Rehabilitation?***

- A.** Vocational Rehabilitation (VR) is a federal/state program that helps people with disabilities to enter, maintain, or return to employment. Our charge is to help those people achieve and maintain meaningful careers.

**Q. *Who is eligible for Vocational Rehabilitation Services?***

- A.** If you have a physical or mental impairment that makes it difficult for you to find or keep a job and you need our services to do so, you may be eligible. We will determine eligibility based on medical and/or psychological records, along with an assessment of how your disability affects your ability to work. A person who receives Social Security Disability Insurance benefits (SSDI) or Supplemental Security Insurance benefits (SSI) as a result of disability or blindness is presumed to be eligible, if that person intends to enter employment.

**Q. *What kinds of services does the VR agency provide?***

- A.** Services are provided based on the person's abilities, interests, and informed choice and may include training, medical or psychological treatment that would increase the individual's ability to work, rehabilitation technology, job placement and follow-up, and post-employment services. All clients receive counseling and guidance as an integral part of their services to help the person reach his or her employment potential.

**Q. *What if I want training or other services, but I don't want to go to work?***

- A.** All VR services are provided for the purpose of preparing a person to enter employment, return to employment, or maintain employment.

**Q. *I receive SSDI benefits, and I am afraid that if I go to work, I will lose my Medicare. How can a person who receives SSDI or SSI disability benefits find out how VR services or employment would affect their benefits?***

- A.** A VR counselor would put you in touch with a benefits specialist who can help you find out what you need to know about your SSDI or SSI benefits and can help you make work pay.

**Q. *How can I apply for VR services?***

- A.** You may find the contact information for your local VR office by looking in the government listings in your telephone book under Tennessee State Government, Human Services Department, Rehabilitation Services. If you need assistance locating the nearest office, you may contact the Nashville administrative office of the Division of Rehabilitation Services at (615) 313-4891.

**Q. *My VR counselor told me I am eligible for services, but can't receive those services because of the order of selection. What is an order of selection?***

- A.** Federal law states that if there is not enough funding available to provide services to all persons who are eligible, state VR programs must give first priority for services to applicants who have the most significant disabilities and limitations. Tennessee's VR program has funding to provide services only to those individuals who have the most significant disabilities and who are designated as "Priority Category 1".

**Q. *My VR counselor has informed me that my case is in Priority Category 3. What would qualify a person to be in Priority Category 1?***

- A.** VR must consider not only the disability (diagnosis), but also the limitations that the individual experiences, as a result of the disability, that would have an impact on the ability to enter or

maintain employment. In order to be determined as having a most significant disability, an individual would have a severe disability that creates serious limitations in at least 2 of 7 capacity areas. These include mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills, as documented by medical, psychological, and/or vocational assessments. The individual must also require multiple vocational rehabilitation services that are expected to be needed over at least a 6-month time period. All services provided must be for the purpose of helping the client prepare for, retain, or maintain a successful employment outcome.

**Q. *If I receive SSI or SSDI, do I automatically receive vocational rehabilitation services?***

**A.** A person who receives Social Security Disability Insurance benefits (SSDI) or Supplemental Security Insurance benefits (SSI) as a result of disability or blindness is presumed to be eligible and *at least* Priority Category 2, if he or she intends to enter employment. These VR clients are considered to have a serious limitation in work skills, and if they meet the requirements for one of the other limitations (mobility, communication, self-care, self-direction, interpersonal skills, work tolerance), they will be in Priority Category 1. They do not have to meet the requirement of needing multiple services over at least a 6-month time period.

**Q. *Is the priority category affected by the cost of the services that I need?***

**A.** No. The law says that no other factors, such as cost of service, income, type of disability, etc. can be used to determine assignment to a priority category.

**Q. *What if my case is assigned to Priority Category 2, 3, or 4, but then my condition and limitations get worse?***

**A.** Any time that your disability and limitations get worse, you should contact your VR counselor and ask for a re-evaluation. Also, if further medical or psychological documentation becomes available, you should send it to your VR counselor and ask for re-evaluation of your priority category.

**Q. *Are there any VR services that I can receive if I am in Priority Category 2, 3, or 4?***

**A.** VR cannot provide direct services to those eligible individuals who are not in Priority Category 1, but the VR counselor must provide information and referral services to help those persons find services through other agencies and entities.

**Q. *If my VR case is in Priority Category 2, 3, or 4, will the case be closed after a certain period of time?***

**A.** No. Your case will remain open until:

- Information is available that would allow it to be reclassified to a higher priority category; or
- Funding becomes available to provide services to eligible individuals in other priority categories; or
- You and your counselor agree that your case should be closed.

**Q. *Are there other states operating under an order of selection?***

**A.** Yes. In fact, there are 45 out of 80 agencies currently operating under an order of selection.

**Q. *Is it likely that Tennessee's VR program will be able to provide services in the near future to clients whose cases are not in Priority Category 1?***

**A.** Tennessee's VR program has been under an order of selection since August 1, 2001. We do not anticipate that the order of selection will be lifted at any time in the near future. Our focus is to provide the best and most effective vocational rehabilitation services that we can provide to help individuals with the most significant disabilities to reach their career goals.



DISABILITY LAW &  
ADVOCACY CENTER  
*of Tennessee*

2416 21st Avenue South, Suite 100  
Nashville, TN 37212

# Se Habla Español

Disability Law & Advocacy  
Center of Tennessee ofrece  
servicios gratis a personas con  
discapacidades que necesitan  
apoyo y ayuda legal debido a su  
discapacidad. Apoyamos a  
personas que han sido abusadas  
o descuidadas en hogares de  
ancianos, a niños que necesitan  
servicios para la educación  
especial, a personas que  
necesitan apoyo con servicios de  
empleo y a los que no tienen  
acceso a edificios o programas  
debido a su discapacidad. Si  
usted necesita ayuda en alguna  
de estas áreas, por favor llame al  
número 1-800-287-9636 ext. 26 y  
podrá hablar con alguien en  
español para averiguar si le  
podemos ayudar con nuestros  
servicios.

1-800-287-9636  
Ext. 26



## DISABILITY LAW & ADVOCACY CENTER

*of Tennessee*



*Enforcing the legal rights of persons  
with disabilities since 1978*

**[www.DLACTN.org](http://www.DLACTN.org)**



# DISABILITY LAW & ADVOCACY CENTER of Tennessee

## Who is Disability Law & Advocacy Center of Tennessee?

### Our Mission

Disability Law & Advocacy Center of Tennessee advocates for the rights of Tennesseans with disabilities to ensure they have an equal opportunity to be productive and respected members of our society.

### Our Clients

People with disabilities and their families, advocacy groups, and public or private organizations providing services for people with disabilities.

### Free\* Services We Provide

- Legally Based Advocacy and Representation
- Information and Referral to Programs and Services
- Investigations of Abuse and Neglect
- Non-Legal Intervention and Mediation
- Group Advocacy for System Change
- Tools, Training and Guidance for Self-Advocacy
- Education and Advice on Disability Issues for Organizations

\* There are no fees for advocacy services; however, there may be fees for training, information packets, and aspects of legal representation.

### Eligibility

All people with disability related concerns are eligible for our information and referral services. Due to limited resources, acceptance of direct advocacy and legal cases must be determined by federal guidelines and public-driven priorities that are approved by our Board of Directors.

For more information on our priorities and objectives, please visit our website: [www.DLACTN.org](http://www.DLACTN.org). All requests for services, and all information and referral services are handled by our Advocacy Assistance Unit. The Advocacy Assistance Unit is available at 1-800-342-1660 or 1-888-852-2852 (TTY), Monday through Friday from 8:00 a.m. to 4:00 p.m.

### Our Funding

We are a federally mandated agency. 100% funded by the Administration for Children and Families, the Substance Abuse and Mental Health Services Administration, the Rehabilitation Services Administration, the Health Resources and Services Administration, and the Social Security Administration.

### We may be able to assist eligible clients with:

- Abuse and neglect outside of the home
- Discrimination in housing, transportation and employment
- Access to public and private programs and services
- Access to mental health, rehabilitation and support services
- Access to appropriate educational programs and services
- Obtaining and utilizing assistive technology devices and services
- Access to vocational rehabilitation and "Ticket to Work" programs to promote employment

### Our Locations

**Middle Tennessee Regional Office  
Administration and Legal Department**  
2416 21st Avenue South, Suite 100  
Nashville, TN 37212  
615-298-1080  
615-298-2471 (TTY)

**East Tennessee Regional Office**  
9050 Executive Park Drive, Suite 220-A  
Knoxville, TN 37923  
865-670-2944  
865-670-2973 (TTY)

**West Tennessee Regional Office  
Advocacy Assistance Unit**  
2670 Union Avenue Extended, Suite 900  
Memphis, TN 38112  
901-458-6013  
888-852-2852 (TTY)

For services call  
**1-800-342-1660**  
(TTY) 1-888-852-2852  
[www.DLACTN.org](http://www.DLACTN.org)



## **Understanding Order of Selection**

To understand **Order of Selection** under the Vocational Rehabilitation System, you must first learn some basics about the funding of these programs. In 1973, Congress passed the Rehabilitation Act (usually called the “Rehab Act”), which was designed to create Vocational Rehabilitation Programs in every state. The purpose of the Rehab Act is “to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society, through statewide workforce investment systems... that include comprehensive and coordinated state-of-the-art programs of vocational rehabilitation.”

The reason Congress passed this law was because it found that the unemployment rate for individuals with disabilities was as much as 70% and these individuals often had the most difficult time finding jobs due to their disabilities. Also, Congress found that this population of Americans was one of the most disadvantaged groups in society and often suffered discrimination in many areas, including employment.

Through a complicated funding formula, the federal Rehabilitation Services Administration allots funds to each state to run their VR programs. States must then “match” the federal dollars with a percentage of state dollars (roughly 20%) to receive the federal allotments each year. If a state does not fully fund their “share” of the VR program, their funding can be reduced in following years.

All states began a VR program and started providing services necessary to assist an individual with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual. For years, the states served tens of thousands of individuals with disabilities to begin or return to work. Many of these individuals were interested in attending colleges and obtaining degrees. This required a long commitment by VR programs to fund the rising costs of tuition in these states.

States VR programs were trying to serve all individuals with disabilities who applied. But then, States all across the country began to

experience budget short-falls. Many have not been able to provide the full match necessary to “draw down” the federal funds. Built-in to the Rehab Act was a plan, in case state VR agencies did not receive enough funding to serve all individuals anymore, so they could limit the number of individuals served. This plan is called the “**Order of Selection.**”

An **Order of Selection**, then, simply means that if a VR agency lacks funds to serve all individuals, they must establish some fair criteria for choosing which individuals they will serve. This plan must be based on the severity of the disability. Individuals who are more severely disabled should logically be the first served because those individuals probably need the assistance most. States are allowed to establish their own criteria for making this determination.

Currently there are 43 states under an **Order of Selection**. There are nearly as many different ways to determine which individuals will be served. All states, however, require documentation of the impact of the disability on a person’s life. (See pages 4-7 for documentation requirements in Tenn.)

Tennessee entered an **Order of Selection** in August 2001. In Tennessee, the VR agency has 4 priority categories, called Priority Category 1, Priority Category 2, Priority Category 3 and Priority Category 4. They are currently only providing services to people in the first category – Priority Category 1. They do not receive enough money from the State of Tennessee to be able to afford to serve any more than this at this time.

To be classified as a Priority Category 1 individual, you must give the VR counselor sufficient paperwork from your medical doctor to show that your disability impacts 2 or more of the following “**functional limitations**”:

- Mobility
- Communication
- Work Skills
- Work Tolerance
- Self-Care
- Self-Direction
- Interpersonal Skills

When you applied at VR, you should have been asked for documentation of your disability. There are very specific things the VR counselor is looking for to make this determination. They will look over all your paperwork and might even send you to an evaluation. They are required to make a determination within 60 days from the date of your application unless you agree to longer time. Within 60 days, you should have received a Certification of Eligibility from the VR counselor that shows

what priority category you were placed in. It is usually at the bottom of the page.

If you are not determined to be a Priority Category 1 individual, you will not receive any services at this time. You will, however, be given a referral to other agencies that might be able to help you and VR will still keep your case open. This is like a “waiting list” and if VR ever does receive enough funding to serve the group of people in your Priority category, they will take them on a first come, first served basis. Therefore, if you were placed in Priority Category 2, it is important that you keep your application on file with them and do not allow your case to be closed. Priority Category 2 will be the first category for VR to open if more funding becomes available. If you agree to have your case closed, you will lose your place in line and will have to reapply if funding comes available.

If you don’t agree with your Priority Category classification, there are a number of things you can do:

1) You can gather more documentation from your medical doctor and turn it in to the VR counselor and ask them to reconsider your priority category classification.

2) You can contact the Client Assistance Program and get an advocate to assist you. The Client Assistance Program (CAP) is administered by Disability Law & Advocacy Center of Tennessee and their phone number is 1-800-342-1660 (TTY: 1-888-852-2852).

3) You can appeal the decision to a supervisor – this is called an “Administrative Review.” You must request an Administrative Review within 30 days of receiving your Order of Selection classification. The VR Supervisor will have a meeting with you to listen to your side of the story. Within 5 days after that meeting, they are required to give you a decision in writing.

4) You can also request a “Mediation” before a trained mediator. This is an informal meeting where you meet with the VR counselor and their supervisor to discuss the issue and try to come to an agreement with the assistance of an impartial third party.

5) After you receive the decision from the Administrative Review in writing, you have the right to appeal it. This is called a “Fair Hearing” and it is heard by an Impartial Hearing Officer. An Impartial Hearing Officer is not a judge and these hearings are less formal than a trial. You do not need a lawyer to have a Fair Hearing. You will be allowed to present your side of

the issue, and VR will be there to present their side. You will get a written decision from that hearing within 30 days.

6) Call or write your State Representative and tell them to fully fund the VR program in the State of Tennessee.

## **DOCUMENTATION REQUIRED FOR PRIORITY CATEGORY 1**

\*From VR Policy Manual Section 3005.09

The Order of Selection Priority Categories are as follows:

Priority Category 1 – Eligible individuals with a most significant disability

Priority Category 2 – Eligible individuals with a significant disability

Priority Category 3 – Eligible individuals with a disability that is not significant who is expected to require multiple Vocational Rehabilitation services

Priority Category 4 – Eligible individuals who do not have a significant disability and who cannot be classified into a higher priority category.

The criteria for determining significant disability are as follows:

### **IDENTIFICATION OF INDIVIDUALS WITH A SIGNIFICANT DISABILITY GENERAL INSTRUCTIONS**

For purposes of the Client Master Record , code as significantly disabled those individuals who meet ALL THREE of the following three criteria:

- a. The individual has a severe physical or mental impairment which seriously limits at least one functional capacity (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of employment outcome; (SEE 3005.09 (5) for specific guidelines); and
- b. The individual has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined, on the basis of an assessment for determining eligibility and vocational rehabilitation needs, to cause comparable substantial limitations to functional capacities; **and**

- c. The individual's vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time.

**“Seriously limits functional capacities in terms of an employment outcome”** means serious limitations (which must be documented) due to the individual's disability in the following areas:

## **MOBILITY**

- Unable to use available public transportation because of a physical disability; **or**
- Unable to operate a motor vehicle because of a physical disability; **or**
- Has limited or no independent mobility (e.g. requires use of wheelchair, walker, prosthesis, etc.)

Documentation: A mobility impairment will, under most circumstances, require documentation from a physician or other medical source. If the seriousness of the mobility impairment is readily apparent (for example, the individual uses a wheelchair and the limbs are atrophied, a prosthesis is evident, etc.), the Counselor may document the mobility impairment by outlining the basis for the observation in Part 2 of the eligibility determination.

## **COMMUNICATION**

- The individual has severely impaired expressive and/or receptive communication, either oral or written; **OR**
- Has speech that is unintelligible to non-family members.

Documentation: A communication impairment must be documented through a report by a physician, psychologist, speech therapist, audiologist, or other appropriate professional, depending on the nature of the disability. If the individual has a specific learning disability (SLD) involving communication, the SLD Worksheet must document severe deficits in 3 of the communication (not math) areas. Under certain circumstances, the Counselor may be able to document through observation (for example, the individual is deaf and communicates through sign language only, or the individual has had a stroke or brain injury and is unable to speak). However, in most of these cases, there will be medical or related documentation in the file to document the disabling condition.

## **SELF-CARE**

- Restricted to the extent that he/she is unable to carry out most activities of daily living; **OR**
- Lacks basic skills of managing personal resources or planning for self-sufficiency; **OR**
- Places self at risk because of poor impulse control, poor judgment, or decision-making skills

Documentation: The inability to carry out activities of daily living (ADL's) because of mental retardation must be documented through a psychological report that includes a Vineland or A.A.M.R. (American Association of Mental Retardation Adaptive Behavior Scale). Inability to carry out ADL's because of severe mental illness is documented in the mental status portion of the psychological report. Inability to carry out ADL's because of a physical

disability is documented through medical reports, which may include a physical therapy or occupational therapy report, indicating that personal care assistance or adaptive equipment are required for ADL's.

**The lack of skills of managing resources or planning for self-sufficiency; or placing self at risk because of poor impulse control, poor judgment, or poor decision-making skills may be documented through a vocational evaluation, situational assessment, existing psychological report, or school records. In addition, the lack of skills of managing resources or planning for self-sufficiency may be documented through evidence that the individual has a court-appointed conservator or guardian.**

### **SELF-DIRECTION**

- Limited ability to set vocational goals or choose appropriate/ realistic employment; **AND**
- Lacks job-seeking skills.

Documentation: Limitations in setting vocational goals or choosing realistic employment may be documented through a vocational evaluation, a testing instrument such as the A.A.M.R. (American Association of Mental Retardation Adaptive Behavior Scale), or existing psychological report. The lack of job-seeking skills should be documented through a vocational evaluation.

### **INTERPERSONAL SKILLS**

- Limited ability to interact with others in a socially acceptable manner; **OR**
- Unable to relate to peers or co-workers without exhibiting inappropriate behaviors.

Documentation: Limitations may be documented through a vocational evaluation, situational assessment, school records, or psychological evaluation.

### **WORK TOLERANCE**

- Unable to perform sustained work activity for 4 hours without adaptive equipment; **OR**
- Unable to sit or stand for more than 3 hours.

Documentation: Must be substantiated by medical documentation.

## WORK SKILLS

- Limited or minimal work experience due to the disability; **OR**
- Minimal or no marketable skills due to the disability; **OR**
- Poor work habits due to the disability; **OR**
- Unable to retain employment or sustain an employment routine without special supervision. Special supervision means that the individual requires more supervision than is customary. For example, the individual needs a job coach; or the individual needs ongoing extra supervision because of off-task behaviors; etc. Special supervision does not refer to any need for adaptive equipment.

Limitations in work experience and work skills must result from the disability, not from other circumstances such as not having desired to work or not having had the opportunity to work because of a life situation.

Documentation: Limited or minimal work experience may be documented on the application, backed up by the Tennessee Clearinghouse report. The issue of the limited or minimal work experience being related to the disability would be evidenced by medical reports, existing psychological reports, or other objective documentation, depending on the nature of the disability. Minimal or no marketable skills, poor work habits, or being unable to work without special supervision may be documented through a vocational evaluation or situational assessment. Minimal or no marketable skills would not be an appropriate determination if the individual has transferable skills as determined through a vocational evaluation.

The limitations to functional capacities MUST be related to the disability and must be appropriately documented.

Any individual who has been allowed Social Security Disability Insurance (SSDI) benefits or Supplemental Security Income (SSI) benefits at any time while a vocational rehabilitation client is **presumed to meet all of the criteria for having a significant disability (Priority Category 2).**



State of Tennessee  
Department of Human Services  
Division of Rehabilitation Services

## STATEMENT OF UNDERSTANDING

### **YOUR RIGHTS AS AN APPLICANT FOR VOCATIONAL REHABILITATION SERVICES**

- ✓ **To be eligible for Vocational Rehabilitation services, you must:**
  - Have a qualifying disability that keeps you from working or makes it difficult for you to go to work or keep a job; **and**
  - Be able to benefit from services in terms of employment; **and**
  - Need vocational rehabilitation services to prepare for, find, or keep a job.
  - If you receive Social Security Disability benefits or SSI based on disability or blindness, you are eligible if you intend to go to work.
- ✓ **Your Vocational Rehabilitation Counselor should let you know within 60 days if you are eligible for services unless:**
  - There are problems in deciding about your eligibility that are beyond the control of the Counselor. In that case, we may ask you to agree to an extension of time; **or**
  - You are participating in trial work experiences to determine if you are able to work.
- ✓ **There are times when the Division may not have enough money to serve all eligible persons.** If that occurs, Federal law requires us to give first priority to persons who have the most significant disabilities.
- ✓ **If we determine that you are eligible for services, or if you are receiving trial work experiences, services will be provided under the written terms of an Individualized Plan for Employment (IPE).** You have the right to develop your own IPE, or you may ask for help from the Counselor or from another person or agency. You or your representative and the Counselor will sign your IPE after it is developed and approved, and you will receive a copy. You and your counselor will review your IPE at least annually. Your IPE may be changed if circumstances change and you need different services or develop a different job goal.
- ✓ **If you are not satisfied with the way that services are being provided, or if you are denied services, you have the right to appeal.** If you or your representative want to appeal a decision, you should contact \_\_\_\_\_, a member of our supervisory staff, at phone number \_\_\_\_\_ within thirty (30) calendar days of the decision that you disagree with.

**There are three ways that you may appeal:**

- You may ask for administrative review by a supervisor of this Agency; **or**
- You may request mediation by a professional mediator; **or**
- You may request a fair hearing before an impartial hearing officer.

You may choose any of the above three options. If you request a fair hearing, it will be scheduled within sixty (60) days. If you enter mediation and the problem is not resolved, and you then decide to ask for a fair hearing, you must file a request within thirty (30) calendar days after the mediation is completed.

- ✓ **A Client Assistance Program (CAP) is available to help you if you need information and advice about services under the Rehabilitation Act.** If you ask CAP for help, their staff may provide assistance to ensure that your rights under the Rehabilitation Act are protected. You may contact CAP through Disability Law & Advocacy, 2670 Union Avenue Extended, Suite 900, Memphis, Tennessee 38112. Call them at (1-800) 342-1660; TTY (1-888) 852-2852; e-mail [GetHelp@DLACTN.org](mailto:GetHelp@DLACTN.org).
- ✓ **The law requires us to administer our program so that all persons are treated equally regardless of disability, age, race, color, religion, sex, national origin, or any other group that is protected by law.** If you feel as though you have been discriminated against you have the right to file a written complaint with the Tennessee Department of Human Services Office of General Counsel, 400 Deaderick Street, 2nd Floor, Nashville, TN. 37243 or with the U.S. Department of Education, 61 Forsythe Street, S.W. Atlanta, GA. 30303.

\_\_\_\_\_  
Applicant      Signature      Date

\_\_\_\_\_  
Counselor      Signature      Date

Nondiscrimination--What if you think you have been treated unfairly? This section tells you what to do. In accordance with Federal law and U.S. Department of Health and Human Services policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write HHS, Director, Office for Civil Rights, Room 506-F, 200 Independence Avenue, S.W., Washington, D.C. 20201 or call (202)619-3257(TDD). HHS is an equal opportunity provider and employer.



**DISABILITY LAW & ADVOCACY CENTER**  
*of Tennessee*

**Understanding Your Rights as a Vocational Rehabilitation Client**  
**'The VR Bill of Rights'**

- 1) You have the right to a determination of eligibility within 60 days of your application.**
- 2) You have the right to develop your own Individualized Plan for Employment (IPE).**
- 3) You have the right to determine what your vocational objective will be.**
- 4) You have the right to choose the services and service providers in your IPE.**
- 5) You have the right to receive the full scope of services necessary to assist you in achieving your vocational objective.**
- 6) You have the right to amend your IPE to change your vocational objective or services provided.**
- 7) You have the right to a review of your IPE at least once per year.**
- 8) You have the right to be assisted by the Client Assistance Program.**
- 9) You have the right to review the VR Policy Manual.**
- 10) You have the right to appeal any decision made by VR.**

**Right # 1 - You have the right to a determination of eligibility within 60 days of your application.**

Within 60 days of your application for VR services, you must receive a written Certification of Eligibility unless you have agreed, in writing, to an extension of time. On this Certification of Eligibility, you will also be notified of your Priority Category. The only exception to this 60-day requirement (other than your consent to an extension) is for a "Trial Work Experience." If your VR Counselor cannot make a determination that you are capable of benefiting from Vocational Rehabilitation services, they may suggest that you participate in a Trial Work Experience. This is done in rare occasions when an individual has a significant disability.

34 CFR §361.42\*

**Right # 2 - You have the right to develop your own Individualized Plan for Employment (IPE).**

You can develop your own IPE with or without assistance from VR. If you choose to develop your own IPE, you will need to use forms provided by the State VR agency, or as an alternative, you may write up your own IPE and transfer it to forms provided by the State VR agency. Either way, your VR counselor can be a valuable resource for developing your IPE but they cannot create it for you. Make sure that you agree with everything on your IPE before you sign it. If you do not agree, you have the right to appeal.  
34 CFR §361.45 - §361.46\*

**Right # 3 - You have the right to determine what your vocational objective will be.**

Only you can determine what you want to do for a living. As long as you intend some employment outcome, VR may not refuse your vocational objective. They can assist you, however, in determining an employment outcome that is consistent with your unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

“Informed Choice” is one of the most important concepts in Vocational Rehabilitation services, and this right stays with you throughout the entire VR process. It means that you have gathered all the information, or been provided all the information necessary from your VR counselor; you have made a decision based upon a full review of all the information, and that you have been given meaningful choices among the methods used to procure vocational services. VR cannot require you to attend a particular training program or require you to select a certain service provider. You have the right to choose all the services and service providers on your IPE.  
34 CFR §361.45, 34 CFR §361.46, 34 CFR §361.52\*

**Right # 4 - You have the right to choose the services and service providers in your IPE.**

VR cannot require you to attend a particular training program or require you to select a certain service provider. You have the right to choose all the services and service providers on your IPE. VR can limit the amount of money they will provide for a service, or require you to apply for, and utilize other benefits. This is called “comparable services and benefits” and VR is required to consider this when assisting you in exercising Informed Choice.

A Comparable Service means that there is some other (usually less expensive) method or provider for this service. For example, if you choose to attend a private or out-of-state university, VR may limit the amount they will pay to that of a state university *if* that state university offers a “comparable” degree. VR cannot prohibit you from attending that other university; they may only limit the amount of funding. You are free to make up the difference if that is still your choice.

A Comparable Benefit means that there is some other entity that would provide assistance for the service you are seeking. For example, Pell Grants are considered a Comparable Benefit and VR can require that you apply for a Pell Grant each year that you are in school. It is sometimes said, “VR is the payor of last resort.” This means that if some other benefit is available to you, and this benefit will not create an additional cost to you – such as student loans, you must be willing to apply for this other benefit.

There are many services that are considered *exempt* from consideration as a comparable service or benefit. That means that VR is not considered the payor of last resort for these services, and therefore, must provide them, if they are necessary for you to obtain an employment outcome. These exempt services include: assessment for eligibility; counseling and guidance; referrals to other sources; job-related services, such as job search and placement assistance; Rehabilitation technology; and post-employment services.

Another limitation on the services VR must provide is the concept of “Financial Needs” criteria. A state is not required to consider your financial needs when making a determination of services to be provided. However, most states, including Tennessee, have established policies to consider your financial need. You have the right to request and obtain copies of this policy. Financial needs criteria means that VR will do an assessment to determine whether you have adequate resources to participate in the costs of services provided under your IPE. If you do have adequate resources to participate in the costs of services, this may not always be the case. You have the right to have this determination reconsidered at least annually. Otherwise, VR may not place any limits on the services you receive as a client as long as those services are necessary for you to achieve your vocational objective.

34 CFR §361.50, 34 CFR §361.52, 34 CFR §361.53, 34 CFR §361.54 \*

**Right # 5 - You have the right to receive the full scope of services necessary to assist you in achieving your vocational objective.**

The only acceptable determining factor for which services are provided is ‘*whether they are necessary for you to prepare for, secure, retain, or regain an employment outcome that is consistent with your*

*strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice*'. In other words, if a service is needed, it must be provided, if it falls within the 'full scope of vocational rehabilitation services' listed below:

- a) Assessment for determining eligibility and priority category;
- b) Assessment for determining your vocational rehabilitation needs;
- c) Vocational rehabilitation counseling and guidance;
- d) Referral to other agencies, where applicable;
- e) Physical and mental restoration services (unless covered by your insurance);
- f) Vocational and other training services, including personal adjustment training, as well as books, tuition, tools, and other training services, as long as Pell grants are first utilized;
- g) Maintenance (monetary support for food, clothing, and shelter) for expenses that are in excess of the normal expenses you would have incurred with or without VR services. As an example, if you go away to college, VR can provide your dorm room payments and meal tickets, as long as Pell grant funds are first utilized;
- h) Transportation in connection with VR services;
- i) Services to family members if they are necessary to your success;
- j) Interpreter services for individuals who are deaf;
- k) Reader services, and O&M services for individual who are blind;
- l) Job-related services, such as job search and placement;
- m) Supported employment services;
- n) Personal assistance services;
- o) Post-employment services;
- p) Occupational licenses, tools, equipment, initial stock and supplies;
- q) Rehabilitation technology, including van conversions;
- r) Transition services to individuals exiting school;
- s) Technical assistance to develop business plans for self-employment;
- t) Other goods and services determined necessary for the individual to achieve an employment outcome.

34 CFR §361.48\*

**Right # 6 - You have the right to amend your IPE to change your vocational objective or services provided.**

We must first agree that many people who begin college with one stated major field of study or goal, end their college career having changed their major. Individuals with disabilities are no different. VR may not require you to “stick to” a vocational objective first stated in your initial IPE. You have the right to change your vocational objective or services provided, as long as you do so in collaboration with your VR counselor. The key is to notify your VR counselor in advance of your intended change. Otherwise, your IPE cannot be amended without your agreement and signature.  
34 CFR §361.45\*

**Right # 7 - You have the right to a review of your IPE at least once per year.**

A good time to consider whether your vocational objective is still your desired employment outcome is during your “annual review.” Your VR counselor is required to review your IPE with you at least once per year. You can discuss your progress towards your vocational goal and whether any changes to the IPE are necessary. If any circumstances have changed in your financial situation or services needed, these should be discussed with your VR counselor at that time.

Even when you become employed, your case cannot be closed until you have been successfully employed in a job that mirrors your IPE vocational objective for 90 days. At that time, your VR counselor should contact you to determine whether the employment outcome is satisfactory to you. They should also notify you of the availability of Post-employment services if you are in need of additional services. For instance, VR can often provide a clothing allowance to assist you in “dressing for success” in your new job.  
34 CFR §361.45, 34 CFR §361.56\*

**Right # 8 - You have the right to be assisted by the Client Assistance Program.**

The Client Assistance Program, even though created by the same Rehab Act that created VR agencies, is completely separate from VR. The Client Assistance Program in Tennessee is administered by Disability Law & Advocacy Center of Tennessee. This organization consists of advocates and attorneys who are knowledgeable in VR laws and policies. Services that can be provided include – information and referral or individual

representation at meetings with your VR counselor, Administrative Reviews, or Fair Hearings.

You should be notified of the Client Assistance Program at least three times in the life of your VR case. 1) At application; 2) at IPE; and 3) at any time when services are reduced, suspended, or denied.

34 CFR §361.57\*

#### **Right # 9 - You have the right to review the VR Policy Manual.**

In your dealings with VR, if you are, at any time, told, “Our policy is \_\_\_,” you have the right to request that policy. VR is required under the Rehab Act, to have written policies that are consistently applied. You actually have this right as much as a citizen of the United States as a client with VR. Tennessee, like all other states, has adopted the Administrative Procedures Act and an Open Records Act. Even without the Rehab Act, you would have the right to review the policies of any governmental entity.

34 CFR §361.50\*

#### **Right # 10 - You have the right to appeal any decision made by VR.**

Anytime that you receive a decision from VR that you do not agree with, you have the right to appeal that decision. In fact, you must be notified of your right to appeal and the availability of a Client Assistance Program to assist you in that appeal. These appeal rights include:

1) Administrative Review - You can appeal the decision to a supervisor – this is called an “Administrative Review.” **You must request an Administrative Review within 30 days of receiving the adverse decision.** The VR Supervisor will have a meeting with you to listen to your side of the story. Within 5 days after that meeting, they are required to give you a decision in writing.

2) Mediation - You can also request a “Mediation” before a trained mediator. This is an informal meeting where you meet with the VR counselor and their supervisor to discuss the issue and try to come to an agreement with the assistance of an impartial third party.

3) Fair Hearing - After you receive the decision from the Administrative Review in writing, you have the right to appeal it before an Impartial Hearing Officer. This is called a “Fair Hearing,” and it must be held within 60 days of your request. **You must request a Fair Hearing within 30 days of receiving the adverse decision.** An Impartial Hearing Officer is not a judge and these

hearings are less formal than a trial. You do not need a lawyer to have a Fair Hearing. You will be allowed to present your side of the issue, and VR will be there to present their side. Within 30 days after the hearing, you will receive a full written report of the findings and the grounds for the decision from the Hearing Officer.

4) Review of Decision – Once you receive a decision from the Hearing Officer, you may request a review of that decision from the Commissioner of DHS. This request for review must be filed within 20 days of the Hearing Officer's Initial Order.

5) Civil Action - If you disagree with the Hearing Officer's decision, you also have the right to bring a civil action in State or Federal Court.

34 CFR §361.57\*

\* - All references are to the Code of Federal Regulations, Title 34, Part 361, State Vocational Rehabilitation Services Program. It is strongly recommended that you obtain a copy of these regulations, and they can be easily downloaded from the Internet at:  
<http://www.gpoaccess.gov/cfr/index.html>

*Disability Law & Advocacy Center of Tennessee administers the Client Assistance Program in the State of Tennessee, pursuant to the Rehabilitation Act, as amended. For information or assistance, contact us at 1-800-342-1660 or TTY 1-888-852-2852.*

## **Disability Law & Advocacy Center of Tennessee**

### ***Client Assistance Program***

#### **What is CAP?**

The Client Assistance Program (CAP) was created to assist all clients and applicants of Vocational Rehabilitation.

#### **CAP is *not* part of VR.**

Disability Law & Advocacy Center of Tennessee administers the Client Assistance Program in Tennessee. We are federally funded and authorized to help you receive the services you are entitled to.

*We are here to advocate for you if you have questions or concerns with VR.*

#### **For disability advocacy services call:**

Advocacy Assistance Unit

1-800-342-1660 (voice)

1-888-852-2852 (TTY)

[www.DLACTN.org](http://www.DLACTN.org)

*est. 1984*



## **We Can Help By:**

- Answering your questions about VR services and policies such as eligibility, order of selection, comparable benefits and other confusing areas
- Explaining your rights to appeal if you disagree with a decision and the time limits that apply
- Providing advocacy or legal assistance with your appeal
- Resolving misunderstandings between you and your VR counselor
- Explaining your rights under the Americans with Disabilities Act, Rehabilitation Act or Ticket to Work

If you are applying for VR services or have a case open with VR, you are eligible for direct advocacy services from us!

Funding for the Client Assistance Program is administered by the U.S. Department of Education, Office of Special Education and Rehabilitation Services, and the Rehabilitation Services Administration.

## CAP



### Click for Information

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## CAP Overview

The Client Assistance Program (CAP) helps individuals who have concerns or difficulties when applying for or receiving rehabilitation services funded under the Rehabilitation Act.

## How CAP Can Help

**CAP can help individuals who are enrolled in DRS programs and services by:**

- Explaining rights and responsibilities throughout the rehabilitation process.
- Helping clients communicate concerns to DRS staff and helping staff to understand needs and requests of program participants.
- Giving information about rehabilitation programs and services.
- Explaining DRS policies and procedures.
- Providing advocacy when a service has been denied or if clients are unhappy with a service provided.
- Arranging for legal services when necessary to represent clients in a formal appeal.
- Providing information about employment rights under the Americans with Disabilities Act.

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## Formal Appeals

CAP can resolve concerns by talking with you and rehabilitation staff. However, you always have the right to request a formal appeal hearing regarding decisions made about your services by DRS staff.

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## Who is CAP?

The CAP staff are experienced vocational rehabilitation professionals.

They work for CAP because they believe in consumer empowerment, informed choice, and advocacy. They strive to make CAP a place where individuals can comfortably contact someone for assistance if there are conflicts or misunderstandings between themselves and DRS.

They feel strongly that information and education about consumer rights and responsibilities in the rehabilitation process is key to success.

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## CAP Knowledge and Training

As CAP professionals, they know the DRS program down to the details. They possess an in-depth understanding of important laws and policies including the Rehabilitation Act of 1973 (as amended), Federal Regulations, Title I of Americans with Disabilities Act (ADA), State Regulations and DRS Policies and Procedures.

They have specialized training in conflict resolution, mediation, negotiation and advocacy.

The staff will try to help people resolve disagreements at the lowest level, but will assist in appeals requests and court actions.

Above all, CAP professionals are committed to helping the consumer express their point of view so that he/she can reach their chosen work or independent living goal.

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## What to Expect When You Call CAP

The CAP staff is committed to timely, responsive service.

1. Contact CAP by phone or TTY, e-mail or written correspondence.
2. The CAP representative will obtain basic information from you, which is confidential.
3. The CAP staff will encourage you to discuss the nature of your concern.
4. The staff will ask you what you would like CAP to do to solve the problem.

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## Solving Problems

There are many ways CAP can help solve problems:

- Discuss strategies to solve the problem on your own.
- Call the DRS counselor or supervisor on your behalf.
- Make arrangements to look at the DRS case record.
- Explain policies and provide copies.
- Help set up meetings to discuss your concerns.
- Help you write a formal request for appeal.

CAP will encourage you to maintain a positive relationship with DRS. This is so you can continue your Individualized Plan for Employment (IPE) and work toward your goals.

Once the issue is resolved to the extent possible, the CAP case record will be closed and you will be notified in writing. The record can be opened again if needed.

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## The Formal Appeal Request

CAP can often help resolve concerns by talking with you and rehabilitation staff. However, you always have the right to request a formal appeal ("Fair Hearing") regarding decisions made about your services by DRS rehabilitation staff.

To request a Fair Hearing you must submit a written request within 30 days of the Division's decision or action with which you disagree. Send your request to the Regional Supervisor of your local VR office or:

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## To file an appeal by telephone, call: 1-866-311-4287

Your request must include:

- Your name, address, and phone number
- A brief statement of your reasons for appealing the action or response you are requesting from the Division
- Your signature or signature of your authorized representative

If you wish, CAP can assist you in writing the appeal request.

Your hearing will be scheduled through the Division of Appeals and Hearings. A hearing will be held within 60 days before a hearing officer who is not an employee of DRS.

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## Mediation

Prior to the appeal hearing, you and DRS staff may agree to participate in mediation. Mediation can be scheduled only if both parties agree. If differences are resolved to both parties' satisfaction through mediation, a formal hearing may not be required.

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## Tips for Self-Advocacy

Empowerment, independence, and self-reliance are important principles in rehabilitation services.

Every step along the way think of ways to take charge of your program and to complete tasks that are important to your success.

### Be Organized:

- Keep a DRS folder and ask for copies of important paperwork.
- Keep a calendar and mark appointment dates and times.
- Take notes during meetings.
- Keep track of phone calls with dates and times.
- File e-mails for reference.

### Stay in contact with DRS staff:

- Tell your DRS counselor about any changes in your situation or program.
- Ask questions.
- Identify needs and ask for help if you don't feel that you are getting it.

**Expect to be an active partner:**

- Find out about the pros and cons of all your options.
- Identify your needs and interests.
- Make informed choices (know the consequences of your choices).
- Help define your responsibilities (ask if you are not sure).

**Handle problems and concerns constructively:**

- Allow reasonable times for returned phone calls.
- Focus on issues. Extreme anger or emotions can interfere with getting what you need.
- Politely contact the office supervisor if you are having difficulties with the rehabilitation counselor.

You have the right to get help from the Client Assistance Program.  
Click below to Contact CAP.

[Contact Us](#)

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The purpose of Independent Living Services is to provide comprehensive services to individuals whose disabilities are so significant that they do not presently have the potential for employment, but may benefit from Vocational Rehabilitation services which will enable them to live and function independently. Services may include transportation, interpreting services for the deaf, reader services, teaching services, orientation and mobility services for the blind, services to family members, job placement services, referral services, telecommunications, sensory, and other technological aids and devices, and appropriate preventive services to decrease the need for similar services in the future. The state program also serves elderly blind individuals with innovative methods and approaches to providing independent living services.

Independent Living Centers may offer other services to individuals with significant disabilities. Services may include counseling and referral; independent living skills; housing, recreation and transportation referral; health maintenance programs, and education and training necessary for living in the community and participating in community activities. Centers are located in Memphis, Chattanooga, Nashville, Jackson, Knoxville, and Johnson City.

Contact Vocational Rehabilitation Services  
Citizens Plaza State Office Building  
2nd Floor, 400 Deaderick Street  
Nashville, TN 37243-1403  
Telephone: (615) 313-4891 (615) 313-4891  
TTY: (615) 313-5695  
TTY: (Long Distance): 1-800-270-1349 1-800-270-1349  
Fax: (615) 741-6508

The Community Tennessee Rehabilitation Centers or CTRC's are a part of the Tennessee Facility Network of Vocational Rehabilitation Services. There are seventeen Community Tennessee Rehabilitation Centers strategically located throughout the state. These centers provide day programs of rehabilitation services within or near the client's home communities. The CTRC's are funded with federal and local dollars.

[CLICK HERE](#) for their brochure.

The CTRC offers the following services to clients: comprehensive vocational evaluation, employee development services and community employment services.

The CTRC offers the following services to employers: market ability, recruitment, industry outsourcing, internships and services to injured workers.

For more information on our Comprehensive Programs

Mailing address:

Tennessee Rehabilitation Center

460 Ninth Ave Smyrna, TN 37167

Phone numbers: (615) 459-6811 (615) 459-6811

TDD (615) 233-9402 (615) 233-9402

FAX (615) 355-1373